

IN RE:
JOSE DANILO MELENDEZ COLON
AMELIA LOZANO ROLON

DEBTOR (S)

CASE NO. 13-03404-ESL

CHAPTER 13

AMENDED TRUSTEE'S UNFAVORABLE REPORT ON PROPOSED PLAN CONFIRMATION UNDER §1325

TO THE HONORABLE COURT: NOW COMES, José R. Carrión, Chapter 13 Trustee, and very respectfully alleges and prays:

This is the Trustee's position regarding the request, under **11 U.S.C. §1325**, for the confirmation of a Chapter 13 Plan.

Debtor(s)' Income: **Above Median / 60 months commitment period.** Gen Unsecured Pool: **\$0.00**

The **LIQUIDATION VALUE** of the estate has been determined in **\$445.00 R2016 STM. \$3,000.00**

TOTAL ATTORNEYS FEES THRU PLAN: \$2,600.00	Fees paid: \$0.00	Fees Outstanding: \$2,600.00
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With respect to the proposed (amended) Plan dated: **April 30, 2013** (Dkt 2). Plan Base: **28,680.00**

The proposed (amended) plan can not be confirmed because it has the following deficiencies:

- Feasibility [§1325(a)(6)]

Debtors informed during the creditors' meeting (Docket 9) that they intend to pay in full vehicle financed with Borinquen Community FC (Claim 5) and have provided an insurance quote for such vehicle. The plan, however, does not provide for the payment in full of such debt. This matter must be clarified in order to determine feasibility and sufficiency of plan.

- Fails Disposable Income Test [11 U.S.C. §1325(b)]

Debtors have failed to include income from Christmas bonuses in Schedule I of the bankruptcy petition.

- Unfair Discrimination [11 U.S.C. §1322(a)(3) & (b)(1)]

Debtors have provided a preferential treatment to unsecured claim filed by FirstBank Puerto Rico ("FirstBank") (Claim 3), claiming that such debt was incurred with a co-debtor. A review of the claim filed by FirstBank, however, shows that the debtor for such loan is Teodula Rolón Alicea and Ms. Lozano is the co-debtor of the loan. In light of this, providing preferential treatment for such debt is unfair discrimination in favor of FirstBank and against other unsecured creditors. Furthermore, in the event that Debtors are allowed to provide preferential treatment to FirstBank, Debtors are still discriminating in favor of such creditor, inasmuch as the plan does not state that an amount equal to the present value of the liquidation value will be distributed among all general unsecured creditors before making disbursements solely to FirstBank.

Due to the above described deficiencies in the proposed plan the Trustee Objects to the Confirmation of the same.

CERTIFICATE OF SERVICE: The Chapter 13 Trustee herewith certifies that a copy of this motion has been served via first class mail on the same date it is filed to: the DEBTOR(s), and to her/his/their attorney through CM-ECF notification system.

In San Juan, Puerto Rico this September 26, 2013.

/s/ Alexandra Rodriguez -Staff Attorney

ARD

JOSE R. CARRION
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